

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JESSIKA HARLSTON,

Plaintiff,

Case No. 19-cv-0900-bhl

v.

ST CHARLES YOUTH & FAMILY SERVICES,

Defendant.

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**ORDER**

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Plaintiff Jessika Harlston filed a complaint alleging that her former employer discriminated against her because of her sex and race. (ECF No. 1.) Plaintiff also requested leave to proceed without prepayment of the filing fee (*in forma pauperis*), pursuant to 28 U.S.C. §1915. (ECF No. 2.) Upon review of the request, it appears that plaintiff is indigent for purposes of the statute. Additionally, it appears her complaint is neither frivolous nor malicious and likely states a claim. Therefore, plaintiff will be authorized to proceed with her case *in forma pauperis*. Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed without prepayment of the filing fee is GRANTED.

IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 4(c)(3), the U.S. Marshal's Service shall serve a copy of the complaint, waiver of service form and/or the summons, and this order upon defendants. Plaintiff is advised that Congress requires the U.S. Marshal's Service to charge for making or attempting such service. 28 U.S.C. §1921(b). The current fee for waiver of service packages is \$8 per item. 28 C.F.R. §0.114(a)(2). Although Congress requires this court to order service by the U.S. Marshal's Service precisely because *in forma pauperis* plaintiffs are indigent, it has not made any provision for these fees to be waived either by the Court or by the U.S. Marshal's Service.

IT IS FURTHER ORDERED that defendants shall file a responsive pleading to the complaint within the time allowed under the Federal Rules of Civil Procedure.

Dated at Milwaukee, Wisconsin this 27th day of October, 2020.

s/ Brett H. Ludwig

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BRETT H. LUDWIG

United States District Judge